



November 11, 2019

VIA ECFS

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

RE: 8YY Access Charge Reform, WC Docket No. 18-156; Lifeline and Linkup Reform and Modernization, WC Docket No. 11-42

Dear Ms. Dortch:

On Friday, November 8, 2019, the undersigned on behalf of NTCA–The Rural Broadband Association (“NTCA”) met with Nirali Patel, wireline advisor to Chairman Ajit Pai, to discuss matters in the above-referenced proceedings.

8YY Access Charge Reform. NTCA first discussed the implications of 8YY originating access reforms on rural consumers and carriers. To start, NTCA notes that the record contains no concerns regarding 8YY traffic as originated by any rural incumbent local exchange carriers (“RLECs”). To the contrary, the record makes clear that those concerns raised in the record have related to traffic carried by competitive operators. *See, e.g.*, Comments of AT&T, WC Docket No. 18-156 (Sept. 4, 2018), at 4 (“[Competitive local exchange carrier (“CLEC”)] 8YY originating access minutes have exploded even as the number of [incumbent local exchange carrier (“ILEC”)] 8YY originating minutes has declined”); Comments of AT&T, WC Docket No. 10-90 (July 31, 2017), at 8 (“The explosion in CLEC minutes has occurred as overall originating 8YY minutes are down significantly (and, indeed, ILEC 8YY originating minutes are barely a third of their 2007 totals).”). NTCA stated therefore that any reforms with respect to 8YY access charges should be targeted to address any problems identified, in lieu of sweeping in carriers that present no concerns based upon the evidence in the record.

If the Federal Communications Commission (the “Commission”) should nonetheless proceed to enact more sweeping changes to 8YY access charge mechanisms, NTCA asked the Commission to ensure that sufficient recovery mechanisms are in place for RLECs, particularly as it is unclear how ostensibly “toll-free” calls may otherwise be recoverable through new rates on consumers. Such measures would be consistent with Commission precedent in the event of such reforms and, in fact, are in large part (but not entirely) captured already in existing rules. NTCA therefore urged the Commission to ensure at the very least that existing provisions with respect to cost recovery will remain intact and not be adversely affected by any reforms. Similarly, NTCA asked the Commission to avoid the potential for any perceived changes with respect to existing “network edges” and interconnection points in connection with 8YY reforms, as these could lead to disruption in the transport of calls and/or foist substantial new costs onto RLECs to the detriment of the rural consumers and communities they serve.

Lifeline. NTCA also discussed its pending Petition for Waiver with respect to the minimum service standards imposed in the Lifeline program. *See* NTCA Petition for Waiver, WC Docket No. 11-42 et al. (July 29, 2019). NTCA clarified that its Petition would *not* excuse providers from a requirement to offer Lifeline consumers services that meet the minimum service standards as those standards are increased over time (where such services are generally available to all consumers). Instead, NTCA made clear that its Petition would *only enable an existing customer* to choose not to upgrade to a higher-speed service and instead to retain her or his existing service even if that existing service were below the minimum service standard. NTCA's Petition thus is not seeking to relegate Lifeline consumers to a lower class of service or to excuse a provider from making quality services available to Lifeline consumers where such services are available generally; rather, NTCA's Petition is merely asking that the Commission not *force* existing consumers to migrate from their existing services if they do not want to do so. In short, NTCA's Petition would do nothing more than enable consumer choice, rather than excusing provider performance. NTCA therefore encouraged the Commission to grant its Petition.

Thank you for your consideration of this correspondence. Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter is being filed via ECFS.

Sincerely,

/s/ Michael R. Romano

Michael R. Romano

Senior Vice President –

Industry Affairs & Business Development

NTCA–The Rural Broadband Association

cc: Nirali Patel